

**Town of Hampton
Annual Town Meeting
February 5, 2011
Results of Balloting
March 8, 2011**

Moderator Robert Casassa opened the Deliberative Session of the Hampton Town Meeting at 0830 on February 5, 2011 in the Winnacunnet High School Community Auditorium.

Moderator Casassa welcomed everyone to Deliberative Session and announced that the warrant had been posted.

Moderator Casassa introduced Ryan Lamers from Troop 177 who led the group in the Pledge of Allegiance.

The Moderator introduced the town officials: Selectmen Chairperson Richard Nichols, William Lally, Richard Griffin, Richard Bateman, Gerald Znoj; Town Manager Fred Welch; Town Attorney Mark Gearreald; Town Clerk Jane Marzinzik; Deputy Town Clerk Shirley Doheny; Administrative Assistant Kristina Ostman; Finance Director Michael Schwotzer; Budget Committee Chairperson Larry Stuker; Supervisors of the Checklist Arleen Andreozzi, Davina Larivee, and Barbara Renaud. Assisting the Supervisors are Teresa Ryan and Martha Williams.

The Moderator advised if you intend to vote today you must check in with the Supervisors of the Checklist to obtain your voting card.

Assisting the Moderator are Denis Kilroy, Darold Mosher, Nathan Page, Chris Muns, Glyn Eastman, Howard Stiles, and Nancy Stiles. Breakfast is being served in the entry way, and Lunch will also be served in the entry way by Hampton Academy 8th Grade Class to benefit their trip to New York City.

The Moderator advised we will be voting on March 8 at the WHS Dining Hall.

The Moderator gave the rules of deliberative session and gave information regarding exits and fire codes.

Moved by William Lally Seconded by Peter Traynor to allow out of town residents to speak (Fred Welch, Town Manager; Mark Gearreald, Town Attorney; Kevin Schultz, Building Inspector; Mike Schwotzer, Finance Director; Dyana Martin, Recreation and Parks Director; Ed Tinker, Assessor; Jamie Steffen, Planner; Kristina Ostman, Administrative Assistant; John Price, Public Works Director, library Amanda). Motion passed.

ARTICLE 1

To choose by non-partisan Ballot: Two (2) Selectman for a 3-year term; One (1) Treasurer for a 3-year Term; Two (2) Trustee of the Trust Funds for a 3-year term; Two (2) Library Trustees for a 3-year term; Two (2) Planning Board Members for a 3-year term; One (1) Cemetery Trustee for a 3-year term; Four (4) Budget Committee Members for a 3-year term; Two (2) Zoning Board Members for a 3-year term.

SELECTMEN

Michael E. Pierce – 1720 *

Dustin E. Marzinzik - 1179

Richard E. Nichols – 2092 *

TREASURER

Ellen M. Lavin - 2440 *

TRUSTEE OF THE TRUST FUNDS

Warren J. Mackensen - 531

Stephen Falzone - 1694 *

Maurice Friedman - 494

David W. Hamilton - 1817 *

LIBRARY TRUSTEE

Robert Lamothe - 1863 *

Mary Lou Heran - 2126 *

PLANNING BOARD

Mark Loopley - 2170 *

Brendan McNamara by Write-In - 106 *

CEMETERY TRUSTEE

Matthew Shaw - 2313 *

BUDGET COMMITTEE

Brian Warburton - 1747 *

Sandra L. Nickerson - 1977 *

Peter M. Traynor - 1723 *

Dick Desrosiers by Write-In - 104 *

ZONING BOARD

Thomas M. McGuirk - 2260 *

Ed St. Pierre by Write-In - 131 *

ARTICLE 2

Are you in favor of the adoption of Amendment No. 1, as proposed by the Planning Board for the Hampton Zoning Ordinance as follows?

Amend Article III Use Regulation to add a new use:

3.45 Establishments for games of chance as defined under RSA 287-D:1, II as worded as of January 5, 2011, by or in behalf of charitable organizations as regulated under RSA Chapter 287-D.

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	X	S	X	X

(This use would only be permitted in the Business-Seasonal Zoning District with a Special Exception (S) from the Hampton Zoning Board of Adjustment and with Site Plan Review by the Hampton Planning Board and prohibited (X) in all other districts).

Recommended by the Planning Board

Moved by Mary-Louise Woolsey, Seconded by Peter Traynor, to open Article 2 for discussion.

Mark Loopley gave an overview of Article 2.

No further discussion. The Article will be on the ballot as written.

Yes – 1625 *

No - 1386

ARTICLE 3

Are you in favor of the adoption of Amendment No. 2, as petitioned, for the Hampton Zoning Ordinance as follows?

To impose restrictions on the sale of deadly MMA (mixed martial arts) weapons that can maim, kill, or cause serious bodily injury by restricting the areas of sale. No business selling these weapons shall be permitted within 2000 feet of public, private or parochial schools, public sports/recreation parks and beaches thus protecting the safety and welfare of the public and our children.

Recommended by the Planning Board

Moved by Mark Loopley, Seconded by Mike Pierce to open Article 3 for discussion.

John Gebhardt, 4 Bailey Avenue, spoke in favor of Article 3.

Linda Gebhardt, 4 Bailey Avenue, spoke in favor of Article 3.

John Nyhan, 4 Penniman Lane, spoke in favor of Article 3.

Chuck Rage, 121 OB, spoke in favor of Article 3 and advised the precinct commissioners are in full support of this Article.

Peter Traynor, 59 Presidential Circle, asked a question of legal counsel if we can restrict an age? The Moderator advised zoning articles cannot be amended.

No further discussion. The Article will be on the ballot as written.

Yes – 2518 *
No - 591

ARTICLE 4

Are you in favor of the adoption of Amendment No. 3, as petitioned, for the Hampton Zoning Ordinance as follows?

To change the current zoning height limit in the BS zone on Ocean Blvd. from N. Street south to the bridge from the current 50 foot height to 35 foot height limit.

This area is mostly made up of cottages and homes of one to two stories any building going to 50 feet will not fit or blend with the neighborhood and does not belong in this area.

Not Recommended by the Planning Board

Moved by Mark Loopley, Seconded by Dick Desrosiers, to open Article 4 for discussion.

Mark Loopley gave an overview of Article 4.

Joanne Long, OB, spoke in opposition of Article 4.

Theresa Wise, 3 River Ave, spoke in favor of Article 4.

Sandy Buck, 5 Tobey St, spoke in opposition of Article 4.

Fred Rice, 15 Heather Lane, spoke in opposition of Article 4.

Art Gopalan, 20 Windmill Lane, asked for clarification of “BS”. (Business Seasonal)

Rick Griffin spoke in opposition of Article 4.

Mark Loopley, 7 Carlson Rd advised it will appear on the ballot as written.

No further discussion. The Article will be on the ballot as written.

Yes - 1138
No – 1900 *

ARTICLE 5

Shall the Town of Hampton vote to raise and appropriate the sum of \$1,385,000 for the continued maintenance, repairs, upgrades and an addition to the Town’s Wastewater Treatment Plant by:

Constructing an addition thereto of 3,300 square feet, more or less to the existing building for the purpose of housing a new dewatering press and providing for a future system should it be needed for the replacement of the existing 10 year old press or for increased capacity; and

The purchase and installation of a new dewatering press; and

The installation of automated pumps and pump controls to better control the flow of sludge and sludge depth levels throughout the system; and

Providing for an engineering study for odor control to obtain recommendations to mitigate the plant and work place odors as well as safeguard the electronic controls in the plant and provide for an improved Quality of life for the plant operators and the immediate surrounding community; and

The Preparing of plans to replace the Church Street Pumping Station; and,

To authorize the issuance of serial bonds or notes in an amount not to exceed \$1,385,000 in accordance with the provisions of the Municipal Finance Act (RSA 33); and

To authorize the Board of Selectmen with the Town Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon, and to take such action as may be necessary to effect the issuance, negotiations, sale and delivery of such bonds and notes as shall be in the best interests of the Town of Hampton; and

To authorize the Board of Selectmen and Town Treasurer to borrow in anticipation of the issuance of such bonds or notes or funds to become available from the State and Federal Governments; and

To authorize participation in the State Revolving Fund (SRF) (RSA 486:14) established for the purpose, and to authorize the Board of Selectmen to expend such monies as become available from the Federal and State Governments and to pass any vote relative thereto; and

To authorize the Board of Selectmen to implement such cost effective solutions as are presented in the future that they deem to be in the best interest of the Town that may result in a lesser amount of expenditure than is authorized by this warrant article? (3/5th vote required)

Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee

Moved by Gerald Znoj, Seconded by Richard Nichols to open Article 5 for discussion.

Gerry Znoj spoke in favor of Article 5.

Art Gopalan, 20 Windmill Lane, spoke in favor of Article 5, and asked what would be the capacity of the system, and how is the capacity integrated with the building dept, how much headroom do we have for future growth? Will we be restricted in the future demand? Gerald Znoj advised the new system will give us a lot of room right now and in the future.

Art Gopalan asked about instituting scheduled maintenance of the larger capacity system. Gerald Znoj advised software has been purchased to assist with scheduling of maintenance.

Rusty Bride, 225 Towle Farm Road, reminded the board that the voters were asked to reverse the decision for Rye's sewage. Mr. Znoj advised that Rye is less than half of the issue here. He advised maintenance has been the issue. Rusty advised that he is not opposed to this Article but urged Selectmen to take care of those residences west of 95.

Andrew Guthrie, 30 River Ave, spoke in favor of Article 5. Asked what the cost in the future will be for this system. Gerald Znoj advised we will have future costs relative to Church St, but is unable to give a good estimate.

No further discussion. The Article will be on the ballot as written.

Yes – 2699 *

No - 434

ARTICLE 6

Shall the Town of Hampton vote to raise and appropriate the sum of \$7,593,340 for the purpose of constructing an addition to the Winnacunnet Road Fire Station (for \$4,509,950) and acquiring and conveying property and constructing a new Beach Fire Station, including but not limited to demolishing and removing existing improvements and structures and making other ancillary and related improvements with respect thereto as provided in the Memorandum of Understanding described below (for \$3,083,390). Such sum to be raised by the issuance of municipal bonds or notes for a period not to exceed twenty (20) years under and in accordance with the provisions of the Municipal Finance Act (RSA 33); and to:

Authorize the Board of Selectmen and the Town Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon;

Authorize the Board of Selectmen to apply for, contract for, accept and expend any Federal, State or other available funds toward the projects in accordance with the terms and conditions under which they are received and to borrow in anticipation of the receipt of such aid or the issuance of such bonds or notes as provided in the Municipal Finance Act, (RSA 33), as amended;

Authorize the Board of Selectmen to execute and deliver, in the name of and on behalf of the Town, a Memorandum of Understanding between the Board and the Hampton Beach Village District Commissioners pertaining to the construction of a new Beach Fire Station in the Hampton Beach Village District, and the conveyance of certain property interests, and other matters, all as more particularly described in said Memorandum of Understanding, and to ratify and confirm the prior execution of said Memorandum of Understanding by the Board and any other prior actions of the Board taken with respect thereto.

Authorize the Board of Selectmen, under such terms and conditions as the Board of Selectmen determine to be in the best interest of the Town, including but not limited to appropriate rights of reverter, and as per the terms of the Memorandum of Understanding between the Board and the Hampton Beach Village District Commissioners:

To accept from the Hampton Beach Village District Precinct the transfer of Tax Map 287, Lot 31 in its entirety and portions of Tax Map 287, Lot 29 and Tax Map 287, Lot 32 for a combined total of 18,200 square feet, plus or minus; and

To transfer to the Hampton Beach Precinct all of Tax Map 287, Lot 28 at the expiration of the current lease with the Town in the year 2013; and

To authorize the Board of Selectmen to take any and all actions as may be necessary to carry out the project in the best interests of the Town of Hampton? (3/5ths vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by William Lally, Seconded by Rick Griffin to open Article 6 for discussion.

Fire Chief Chris Silver spoke in favor of Article 6 and gave an overview of the proposed plan, providing photographic slides of what we currently have for storage of vehicles, gear & decontamination, and examples of what we will have if this article passes.

John Nyhan, 4 Penniman Lane, spoke in favor of Article 6 advising that our current facilities are inadequate and it is critical that this warrant article passes.

Chuck Rage, 121 OB, spoke in favor of Article 6.

Ralph Fatello, 3 Marston Way, spoke in favor of Article 6.

Richard Reniere, 29 Highland Ave, spoke in favor of Article 6 and gave a history of the Hampton Beach Village District.

Sandy Buck, 5 Tobey St, spoke in favor of Article 6.

Larry Stuker, spoke in favor of Article 6.

Fred Rice, 15 Heather Lane, spoke in favor of Article 6.

Chief Silver clarified that 60% of the Winnacunnet Road Fire Station will remain in place.

Brian Lapham, 27 I St, spoke in favor of Article 6.

Chris Muns, 5 Nersesian Way, spoke in favor of Article 6.

Donald Bliss, 48 Milbern Ave, spoke in favor of Article 6.

Art Gopalan, 20 Windmill Lane, spoke regarding a flapper valve to keep the water away during flooding.

Fire Chief Christopher Silver advised that a backflow prevention device was installed in the storm water drain closest to the site will be complete before construction begins on the project.

Mary-Louise Woolsey, Little River Road, spoke in favor of Article 6.

The Moderator asked the body whether they want to continue discussion.

Body wishes to move onto Article 7.

No further discussion. The Article will be on the ballot as written.

Yes - 1351

No - 1791 *

ARTICLE 7

By Petition of Duane Windemiller and more than 25 other registered voters...

To see if the Town of Hampton will vote to raise and appropriate the sum of \$3,700,000 for the purpose of constructing a new Beach Fire Station. Such sum to be raised by the issuance of municipal bonds or notes for a period not to exceed twenty (20) years under and in accordance with the provisions of the Municipal Finance Act (RSA 33);

and to authorize the Board of Selectmen and the Town Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon;

To authorize the Board of Selectmen to apply for, contract for, accept and expend any Federal, State or other available funds toward the projects in accordance with the terms and conditions under which they are received and to borrow in anticipation of the receipt of such aid or the issuance of such bonds or notes as provided in the Municipal Finance Act, (RSA 33), as amended; To authorize the Board of Selectmen under such terms and conditions as the Board of Selectmen determine to be in the best interest of the Town, including, but not limited to, appropriate rights of reverter, and as per the terms of a Memorandum of Understanding between the Board and the Hampton Village District Commissioners. To demolish the existing Beach Fire Station and Precinct Garage as part of the construction of the Beach Fire Station if authorized by the Hampton Beach Village District voters; To accept from the Hampton Beach Village Precinct the transfer of Tax Map 287, Lot 31 in its entirety and portions of Tax Map 287, Lot 29 and Tax Map 287, Lot 32 for a combined total of 18,200 square feet, plus or minus; To pay the Hampton Beach Village District an agreed upon sum to compensate the District for its loss of parking revenue during the period of construction that results from the construction; To transfer to the Hampton Beach Village Precinct all of Tax Map 287, Lot 28 at the expiration of the current lease with the Town in the year 2013; And to authorize the Board of Selectmen to take any and all actions as may be necessary to carry out the project in the best interest of the Town of Hampton? (3/5ths vote required)

If the article to construct a sub-station at the Beach as well as an addition to the Winnacunnet Rd Fire Station passes, then that article shall take precedence and this article shall become null and void.

**Recommended by the Board of Selectmen
Not Recommended by the Municipal Budget Committee**

Moved by Gerald Znoj Seconded by Skip Windemiller to open Article 7 for discussion.

Skip Windemiller, made a motion Seconded by Chuck Rage to amend Article 7 as follows:

In the second paragraph capitalize Authorize.

In the third paragraph capitale Authorize and to remove "To"

After the third paragraph add a new paragraph which reads:

“Authorize the Board of Selectmen to execute and deliver, in the name of an on behalf of the Town, a Memorandum of Understanding between the Board and the Hampton Beach Village District Commissioners pertaining to the construction of a new Beach Fire station in the Hampton Beach Village District, and the conveyance of certain property interests, and other matters, all as more particularly described in said Memorandum of Understanding, and to ratify and confirm the prior execution of said Memorandum of Understanding, and to ratify and confirm the prior execution of said Memorandum of Understanding by the Board and any other prior actions of the Board taken with respect thereto.

After the new paragraph capitalize Authorize and remove “To”. Between “the terms of” and “Memorandum of Understanding” add “the aforesaid” and remove the “a”. After “District Commissioners” remove the period and add a colon.

Next paragraph remove from “to demolish” to “voters;”

In the next paragraph after the word “sum” add “as part of the construction costs” and after “construction; add “and”

At the end of that paragraph remove the “and” after the semicolon.

Next paragraph remove the word “to”, and capitalize Authorize.

Last paragraph after “If the” add “preceding Article 6” and remove the word “article”. Capitalize the word Article in line 2 of same paragraph, and add “6” after “Article.” Last line capitalize Article and add “7” after “Article”.

Eileen Latimer, 251 Mill Road, spoke in opposition to Article 7 and stated it is too confusing to voters.

Rosemary Lamers, 155 Woodland Road, asked what does “right of reverter” mean? Mark Gearreald a reverter restricts the use of property to a certain use, but if the use changes, it reverts to previous ownership (Precinct).

The Znoj amendment passed.

Mike Pierce, 16 Hedman Avenue, stated the article needs to go before the voters.

Mary-Louise Woolsey, Little River Road, made a motion to amend Article 7 to reduce amount to \$0. Seconded by Peter Traynor.

Peter Traynor, 59 Presidential Circle, spoke in favor of the Woolsey amendment.

Sharon Raymond, 2 Lamson Lane, spoke in support of the Woolsey amendment.

Richard Reniere asked if he could ask a question of Town Counsel regarding discussion presented prior to the Woolsey amendment. The Moderator advised we are speaking only to the Woolsey amendment at this point in time.

Art Gopalan, 20 Windmill Lane, spoke in opposition of the Woolsey amendment.

Andrew Guthrie, 30 River Ave, spoke in favor of the Woolsey amendment.

Fred Rice, 15 Heather Lane, advised that the governor signed HB77 which eliminates the ability to leave only "to see" in a Warrant Article. He advised you may still zero out a warrant article and vote on it. He spoke in favor of the Woolsey amendment.

James Workman, 471 Winnacunnet Road, spoke in opposition of the Woolsey amendment.

Vote taken on Woolsey amendment. Motion Passed 38-35.

No further discussion. The Article will be on the ballot as amended.

Brian Warburton motion to restrict reconsideration of Article 7, Seconded by Fred Rice, motion passed.

Motion by Sandy Buck, Seconded by Mary-Louise Woolsey to restrict reconsideration of Article 6, motion passed.

Yes - 1695 *

No - 1282

ARTICLE 8

Shall the Town of Hampton vote to raise and appropriate the sum of \$1,292,300 for the purpose of purchasing equipment and materials to permit the collection of solid wastes and recyclable materials in-house by the Department of Public Works instead of by an outside contractor through the purchases of:

Three double arm automated refuse collection trucks; and

Two-20 foot storage containers for compacted materials; and

9800 95-gallon wheeled refuse and recycling containers for distribution to single and two family residential locations currently receiving refuse and recycling collection; and,

To authorize the issuance of serial bonds or notes for a period not to exceed a 5 years in an amount not to exceed \$1,292,300 in accordance with the provisions of the Municipal Finance Act (RSA 33); and

To authorize the Board of Selectmen with the Town Treasurer to issue and negotiate such bonds or notes and to determine the rate of interest thereon, and to take such action as may be necessary to effect the issuance, negotiations, sale and delivery of such bonds and notes as shall be in the best interests of the Town of Hampton; and

To authorize the Board of Selectmen and the Town Treasurer to borrow in anticipation of the issuance of such bonds or notes or funds to become available from the State and Federal Governments or other parties and to authorize the Board of Selectmen to expend such funds?
(3/5ths vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by William Lally, Seconded by Richard Nichols to open Article 8 for discussion.

William Lally spoke in favor of Article 8 and asked Town Manager Fred Welch to speak to the Article.

Town Manager Fred Welch gave an overview of Article 8.

Dennis Kepner, 105 Mill Road spoke in favor of Article 8.

Selectmen Gerald Znoj spoke in favor of Article 8.

Chuck Rage offered an amendment to Article 8, to add after the third indent “and to allow commercial locations to purchase recycling and refuse containers at the Town’s rate”, Seconded by Jay Diener. Rage amendment passed.

Arthur Moody, Thomsen Rd, spoke in opposition of Article 8. Asked if recyclables will be picked up in anything other than the 95 gallon refuse containers? John Price advised it will not be picked up if it is not in the appropriate containers.

Fred Rice, 15 Heather Lane, spoke in favor of Article 8.

Brian Warburton, 24 Sanborn Road, spoke in favor of Article 8.

Art Gopalan, 20 Windmill Lane, asked why fiscal impact notes are not appearing on the warrant. The Moderator advised that per order of the attorney general’s office, it is illegal to put that information on the warrant/ballot.

No further discussion. The Article will be on the ballot as amended.

Mary-Louise Woolsey asked if we can put Article 26 (Mounted Patrol) before Article 9. After a vote of the body, Article 26 was read before Article 9.

Moved by Gerald Znoj Seconded by Mary-Louise Woolsey to restrict reconsideration Articles 5 & 8.

Yes – 2426 *

No - 699

ARTICLE 9

Shall the Town of Hampton raise and appropriate as an operating budget, not including appropriations for special warrant articles and other appropriations voted separately, the amounts set forth in the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, total \$24,271,521. Should this article be defeated, the operating budget shall be \$24,074,309 which is the same as last year, with certain adjustments required by previous action of the Town Meeting or by law, or the governing body may hold one special town meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only? (Majority vote required)

NOTE: This warrant article (Operating Budget) does not include appropriations proposed in ANY other warrant article.

Recommended by the Board of Selectmen Recommended by the Municipal Budget Committee

Moved by Larry Stuker Seconded by Peter Traynor to open Article 9 for discussion.

Larry Stuker spoke in favor of Article 9.

Mary Louise Woolsey spoke about voters being allowed to vote on articles. She discussed changes that the Budget Committee made to Selectmen's Budget. Mary-Louise Woolsey called for the Selectmen to release some of the surplus to offset the tax rate.

Dick Nichols responded to Mary-Louise Woolsey's comments. He advised reducing the tax rate is short sighted. He advised reducing the tax rate would leave the town with no margin for surprises. Advised it is appropriate to hear from the Town Manager.

Town Manager Fred Welch advised having no surplus makes no sense. If there is an emergency, the money comes from the surplus. He advised right now we are stabilizing the tax rate.

Dick Nichols referred to Mike Schwotzer who gave an overview of the budget. The Town portion of the tax rate is \$6.41. Leaving the surplus alone allows us to keep a level tax rate.

Rick Griffin addressed Mary-Louise Woolsey's comment about the lack of people who attend deliberative session. He advised that he believes people are tired of watching the fighting, and that people are hesitant to put their hat in the ring.

Mary-Louise Woolsey advised she can't find numbers to show unreserved fund balance. She advised the Selectmen are hoarding money. She asked that the Board of Selectmen give back to the taxpayers in each year.

Art Gopalan, 20 Windmill Lane, advised he was happy to see that the Town tax rate went down. He spoke to the spiking charge.

Gerald Znoj spoke in favor of the undesignated fund balance.

No further discussion. The Article will be on the ballot as written.

Moved by Peter Traynor, Seconded by Rick Griffin to restrict reconsideration of Article 9. Motion passed.

The Moderator advised we will take a break for lunch. Lunch break at 12:15 pm.

Yes - 1516

No - 1529 *

ARTICLE 10

Shall the Town of Hampton vote to raise and appropriate the sum of up to \$250,000 as a contribution towards the acquisition of conservation easements or other appropriate interests to permanently protect the Batchelder Farm (identified as Tax Map 34, Lot 1; Tax Map 35, Lot 11; and Tax Map 37, Lots 7 & Lot 8, and consisting of +/- 120 acres on or in close proximity to Exeter Road in Hampton, but excluding any outbuildings or structures incidental to such land) as open space in the best interest of the Town, and in connection with such acquisition to authorize the Selectmen to apply for, accept, and expend for said purpose any funds from the State of New Hampshire, the Federal Government, and private sources, as they may become available; this will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the acquisitions of the conservation easements or other appropriate interests required to complete the protection of the Batchelder Farm have been accomplished, or by December 31, 2013, whichever is sooner?
(Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Resumed from lunch break at 1:00 pm.

Moved by Rick Griffin, Seconded by Jay Diener to open Article 10 for discussion.

Rick Griffin spoke in favor of Article 10.

Jay Diener, 206 Woodland Road, spoke in favor, and gave an overview of Article 10 by way of a slide presentation.

Ellen Goethel, 23 Ridgeview Terrace, Conservation Commission member, spoke in favor of Article 10.

Nathan Page, 200 Drakeside Rd, spoke in favor of Article 10.

No further discussion. The Article will be on the ballot as written.

Yes - 2373 *

No - 732

ARTICLE 11

Shall the Town of Hampton vote to approve the cost items included in a collective bargaining agreement reached between the Hampton Board of Selectmen and the Teamsters, Local 633 which calls for the following increases in salaries and benefits at the current staffing level.

2011 \$11,082 NET INCREASE

And further to raise and appropriate the sum of \$11,082 representing the additional cost attributed to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels in accordance with the most recent collective bargaining agreement. The figure to be raised and appropriated (\$11,082) is derived from the difference between an increase in salaries and benefits of \$51,156 offset by \$40,074 in health insurance savings? (Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by Richard Nichols, Seconded by Rick Griffin to open Article 11 for discussion.

Dick Nichols spoke in favor and gave an overview of the details of Article 11.

Moved by Dick Nichols, Seconded by Richard Bateman to amend Article 11 to add the following to the end of the Article: "The amount to be raised and appropriated represents the net increase in salaries and benefits for 39 weeks of a 52-week agreement. Accordingly, the annualized cost of the agreement is \$14,776 with \$3,694 paid during the first 13 weeks of 2012. Because the proposed agreement does not include a pay plan, the evergreen provisions of RSA 273-A:12,VII, do not apply and the agreement itself does not include an evergreen clause?"

William Lally spoke in favor of Article 11.

The Nichols amendment passed.

Mike Pierce, 16 Hedman Ave, spoke in favor of Article 11.

No further discussion. The Article will be on the ballot as amended.

Yes – 2063 *

No - 973

ARTICLE 12

Shall the Town of Hampton vote, pursuant to RSA 149-M:17, to approve, confirm and ratify the 15 year Agreement for the disposal of recyclable materials entered into by the Hampton Board of Selectmen with the Concord Regional Solid Waste/Resource Recovery Cooperative (the "Cooperative"), whereby significant revenue to the Town will be generated from the Town's delivery of acceptable recyclable materials to the Cooperative's publicly owned single stream recycling facility now under construction? (Majority vote required)

Moved by William Lally, Seconded by Richard Bateman to open Article 12 for discussion.

Selectmen William Lally spoke in favor of Article 12.

Town Manager Fred Welch gave an overview of the details of Article 12.

Art Gopalan, 20 Windmill Lane, asked for a point of clarification, do we know when Concord Regional Solid Waste will come on line? What would the cost be if we have to take materials somewhere else?

Fred Welch advised Concord will be on board in June of 2012 and recyclables would be shipped to Charlestown NH at no greater cost.

Dick Nichols added details to Fred Welch's comments.

Arthur Moody asked if the costs include dues or just the transport of recyclables. Do we pay anything on the building? Fred Welch advised there are no costs for the building. The building is already paid for. Sharing of costs will be derived from recyclables that are processed through the facility. No dues, no membership expenses. We are required to support with a member on the board of directors. Arthur Moody asked if this is the least number of years that we could get into a contract? Fred Welch advised that yes, 15 years is the least.

Arthur Moody advised he is opposed to the Article. Mr. Moody asked if there are any additional costs relative to transport. Fred Welch advised there are no additional costs at this time.

Chris Muns asked about environmental regulations. Fred Welch advised we are not required to absorb any of those costs.

Ann Kaiser, 7 Palmer St, asked if Article 8 fails, and Article 12 passes, what are our options at that point? Fred Welch advised we will have to market the equipment ourselves, or we would have to go somewhere else to market our recyclables.

No further discussion. The Article will be on the ballot as written.

Yes – 2655 *

No - 343

ARTICLE 13

Shall the Town of Hampton vote to raise and appropriate the sum of \$300,000 to be placed in the Road Improvement Capital Reserve Fund created under Article 16 of the 1998 Annual Town Meeting created for this purpose in accordance with the provisions of RSA 35, with the sum of \$300,000 to come from the unexpended fund balance (surplus) as of December 31, 2010 and no amount to be raised by taxation for the improvement of Tide Mill Road, Holly Lane, Leary Lane, Tucker Lane, Eastmor Lane, and Lamprey Terrace; to include street repairs, reconstruction and associated materials and labor necessary to do the work, and also to include associated drainage system maintenance, upgrades and improvements? (Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by Gerald Znoj, Seconded by Richard Bateman to open Article 13 for discussion.

Gerald Znoj spoke in favor and gave details of Article 13.

Arthur Moody advised the repairs needed are a result of the aftermath of the sewer project on those roads (with the exception of Tide Mill Road).

No further discussion. The Article will be on the ballot as written.

Yes – 2590 *

No - 480

ARTICLE 14

Shall the Town of Hampton vote to raise and appropriate the sum of \$300,000 to be placed in the Department of Public Works Capital Reserve Fund created under Article 23 of the 2008 Annual Town Meeting in accordance with the provisions of RSA 35, with this sum of \$300,000 to come from the unexpended fund balance (surplus) as of December 31, 2010 and no amount to be raised by taxation? (Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by Richard Bateman, Seconded by Gerald Znoj to open Article 14 for discussion.

Richard Bateman gave an overview of Article 14.

No further discussion. The Article will be on the ballot as written.

Moved by Dick Nichols, Seconded by Michael Pierce, to restrict reconsideration of Articles 10-14. Motion passed.

Yes – 2522 *

No - 507

ARTICLE 15

Shall the Town of Hampton vote to raise and appropriate the sum of \$100,000 from revenues generated from the Hampton TV Origination Fund, a special revenue fund created by Article 21 of the 2000 Annual Town Meeting and funded by revenues generated from the Cable TV local origination franchise agreement fund, to upgrade, expand, and enhance the development of the local origination channels? (Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by Richard Bateman, Seconded by Richard Nichols to open Article 15 for discussion.

Richard Bateman gave an overview of Article 15.

Ed St.Pierre, Ocean Blvd, spoke in favor of Article 15.

No further discussion. The Article will be on the ballot as written.

Yes – 2372 *

No - 721

ARTICLE 16

Shall the Town of Hampton vote to raise and appropriate the sum of \$17,550.00 generated from the sale of Town owned-cemetery lots and authorize transfer to the Cemetery Burial Trust Fund. The interest from this fund is withdrawn annually and deposited in the Town's General Fund as an offset to the amount appropriated in the operating budget for the maintenance of cemeteries? (Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by Richard Bateman, Seconded by Rick Griffin to open Article 16 for discussion.

Richard Bateman gave an overview of Article 16.

No further discussion. The Article will be on the ballot as written.

Yes – 2800 *

No - 296

ARTICLE 17

Shall the Town of Hampton vote to raise and appropriate the sum of \$90,000 from revenues generated from the Police Forfeiture Fund, a special revenue fund created by Article 55 of the 2003 Town Meeting to carry out all lawful functions allowed under Federal, State and Local criminal justice forfeiture programs? (Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by William Lally, Seconded by Richard Bateman to open Article 17 for discussion.

William Lally gave an overview of Article 17.

No further discussion. The Article will be on the ballot as written.

Yes – 2544 *

No - 518

ARTICLE 18

Shall the Town of Hampton vote to raise and appropriate the sum of \$65,000 for the purpose of replacing some of the fencing at Tuck Field and Eaton Park as a well as repaving and striping in front of the Cave Building and surrounding area of Cuss Lane as determined by the Board of Selectmen, Town Manager and the Town Recreation and Park Director and to fund said appropriation by transferring \$65,000 from the Recreation Infrastructure Special Revenue Fund established under Article 44 of the 2007 Annual Town Meeting? (Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by Richard Bateman, Seconded by William Lally to open Article 18 for discussion.

Richard Bateman spoke in favor of Article 18.

Dyana Martin, Recreation Director, gave an overview of Article 18.

Mark McFarlin, offered an amendment to propose an addition to the end of the Article to read “and no amount to be raised by taxation.” Seconded by Peter Traynor.

McFarlin amendment passed.

Arthur Moody gave historical details about Tuck Field and Eaton Park.

No further discussion. The Article will be on the ballot as amended.

Yes – 2671 *

No - 463

ARTICLE 19

By Petition of Christos Valhouli and more than 25 other legal voters of the Town...

The undersigned residents of Hampton, Petition the Town of Hampton to place on the Warrant the request to see if the Town of Hampton will vote to raise and appropriate the amount \$5,000.00 for the construction of permanent improvements to the Town of Hampton Skateboard Park, specifically, said requested funds would be used for the construction of a cement

skateboarding “bowl”, and the balance of construction and planning costs beyond the amount requested by the Warrant Article shall be paid for by privately raised funds and donations to the project? (Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by Richard Bateman Seconded by William Lally to open Article 19 for discussion

Christos Valhouli, Vanderpool Dr spoke in favor of Article 19 and gave an overview of the details.

Brian Warburton, 25 Sanborn Road, spoke in favor of Article 19.

Dyana Martin spoke in favor of Article 19.

No further discussion. The Article will be on the ballot as written.

Moved by William Lally, Seconded by Gerald Znoj to restrict reconsideration of Articles 15-19.
Motion passed.

Yes - 1922 *

No - 1183

ARTICLE 20

By Petition of Thomas Morgenstern and more than 25 other legal voters of the Town...

Shall the town of Hampton vote to rescind Article 44 of the 2007 Annual Town Meeting that established the Recreation Infrastructure Special Revenue Fund and use those funds to reduce the town’s tax rate? (Majority vote required)

Moved by Mark McFarlin, Seconded by John Gebhardt to open Article 20 for discussion.

Dyana Martin gave an overview of what a yes vote will mean to this Article. Spoke against Article 20.

Fred Rice, 15 Heather Lane, spoke against Article 20.

Mary-Louise Woolsey spoke in favor of Article 20.

Arthur Moody offered a point of order. When rescinding a special revenue fund, it needs to be rescinded in the same manner as it was done in order to be created.

Mark Gearreald advised Arthur Moody’s statements are correct.

Eileen Latimer spoke against Article 20.

Arleen Andreozzi, 243 Winnacunnet Road, offered a clarification, supporting Article 20 would remove the special revenue fund.

Mrs. Latimer corrected her earlier statement and stated she is in opposition of Article 20 and supports the Recreation Infrastructure Special Revenue Fund.

No further discussion. The Article will be on the ballot as written.

Yes - 996

No - 1981 *

ARTICLE 21

Shall the Town of Hampton vote to raise and appropriate the sum of \$173,951 for the cost of Hampton's contribution to twenty human service agencies in the seacoast area of follows?
(Majority vote required)

These 20 human service agencies shall be required to give a written report at the end of the given fiscal year to the Board of Selectmen highlighting what the funds were used for and what the impact these funds had in assisting in their goals and objectives.

<u>Human Service Agency</u>	<u>Agency Request</u>	<u>Recommendation by Board of Selectmen</u>	<u>Budget Committee</u>
A Safe Place	\$5,500	\$5,500	\$5,500
Are Home Care & Family Services	12,000	12,000	12,000
Big Brothers/Big Sisters	6,500	6,500	6,500
Child & Family Services	5,000	5,000	5,000
Cross Roads	15,000	15,000	15,000
New Generation Shelter	2,000	2,000	2,000
American Red Cross	1,000	1,000	1,000
Retired Senior Volunteer Program	1,800	1,800	1,800
Rockingham Community Action	25,000	25,000	25,000
SeaCare Health Services	10,000	10,000	10,000
Seacoast Hospice	7,500	7,500	7,500
Seacoast Mental Health Center	8,000	8,000	8,000
Seacoast Visiting Nurse	40,000	40,000	40,000
Seacoast Youth Services	2,500	2,500	2,500
Sexual Assault Services	2,000	2,000	2,000
Richie McFarland Children's Center	6,000	6,000	6,000
AIDS Response Seacoast	2,700	2,700	2,700
Families First Health & Support Center	10,000	10,000	10,000
Transportation Assistance for Seniors	6,400	6,400	6,400
Rockingham Meals on Wheels	<u>5,051</u>	<u>5,051</u>	<u>5,051</u>
Total	\$173,951	\$173,951	\$173,951

Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee

Moved by Gerald Znoj, Seconded by Dick Nichols to open Article 21 for discussion.

Mary-Louise Woolsey asked if Lamprey Senior Transportation could speak, and is not a Hampton resident. Body voted to allow.

Moved by Arthur Todd, 698 Lafayette Road, to amend the gross amount of the Article to \$178,151 and to add a line item for Lamprey Senior Transportation in the amount of \$4,200 (four thousand two hundred dollars). Seconded by Dick Nichols.

Debbie Bartley of Lamprey Health Care Transportation gave an overview of their amendment.

Motion passed. No further discussion. The Article will be on the ballot as amended.

Yes – 2550 *

No - 562

ARTICLE 22

Shall the Town of Hampton vote to raise and appropriate the sum of \$42,750 for the purpose of providing full larvaciding of mosquito breeding areas in the Town, including catch basins, and for spraying of adult mosquitoes during the months of June through September 2011? (Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by Rick Griffin, Seconded by Gerald Znoj to open Article 22 for discussion.

Rick Griffin gave an overview of Article 22.

Ann Kaiser gave an overview of and spoke in favor of Article 22.

Richard Reniere, 29 Highland Ave, spoke in favor of Article 22.

Dick Nichols advised many Articles are not in the operating budget so as not to increase the budget by ½ mil dollars.

No further discussion. The Article will be on the ballot as written.

Yes – 2915 *

No - 226

ARTICLE 23

By Petition of Patricia Keaney and more than 25 other legal voters of the Town...

To see if the Town will vote to raise and appropriate the sum of twenty-four thousand eight hundred and ninety five dollars (\$24,895) to augment the Library Operating Budget for the purchase of books, periodicals, AV material, microfilm, and online materials and library program performers. Should this warrant article pass, the full annual amount of media and performers will be included in subsequent operating budget requests? (Majority vote required)

This article is supported by the Board of Library Trustees of the Lane Memorial Library.

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by Gerald Znoj, Seconded by Dick Desrosiers to open Article 23 for discussion.

Amanda Cooper, Director, Lane Memorial Library, spoke in favor of Article 23.

Art Gopalan, 20 Windmill Lane, spoke regarding the library budget. \$24,895 is sought as an addition to the already set budget.

Amanda spoke regarding administrative costs such as custodial cleaning, utilities, and bookkeepers.

Dick Nichols advised there are a whole host of line items involved and that there was a lengthy discussion regarding those items.

Arthur Moody asked what the \$200,000 was referring to. Dick Nichols advised it is listed as appropriations, it is one line with too many items listed under it.

Mary Lou Heran, Library Trustee, 3 Elaine Street, gave an overview of the details of Article 23.

Mike Schwotzer offered some highlights of the Library budget under "Appropriations".

Robert Frese, 29 Falcone Circle, Member, Friends of the Library, offered some clarification.

No further discussion. The Article will be on the ballot as written.

Moved by Gerald Znoj Seconded by William Lally to restrict reconsideration of Articles 20-23.

Motion passed.

Yes – 1851 *

No - 1262

ARTICLE 24

Shall the Town of Hampton vote to raise and appropriate the sum of \$20,000 for the use of the 375th Anniversary Committee to schedule, plan and implement activities for the 375th Anniversary Celebration of the creation and founding of the Town of Hampton including all costs incidental

thereto, this will be a non-lapsing appropriation per RSA 32:7, VI and shall not lapse until December 31, 2014? (Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by Rick Griffin, Seconded by William Lally to open Article 24 for discussion.

Rick Griffin spoke in support of Article 24.

Arthur Moody spoke in opposition of Article 24.

Ben Moore, Locke Road, spoke in favor of Article 24.

No further discussion. The Article will be on the ballot as written.

Reconsideration following Article 25. William Lally spoke in favor of Mr. Moore's dedication to the 375th.

Moved by Dick Nichols Seconded by Peter Traynor to amend Article 24 second line after 375th Anniversary Committee insert: "or Hampton Commission 375"

Dick Nichols offered explanation to his amendment.

Nichols amendment passed. No further discussion. The Article will be on the ballot as amended.

Yes – 1997 *

No - 1061

ARTICLE 25

By Petition of Julia Philbrick and more than 25 other legal voters of the Town...

To see if the Legislative Body of the Town, Town Meeting, will vote, as has been the tradition for previous town anniversaries for over a century, to establish an official Town Meeting "Hampton Commission 375" to plan and carry out the celebration in 2013 of the October 14, 1638, permanent settlement of the Town of Hampton, known the first half year or so as Winnacunnet Plantation, such commission to identify and celebrate milestones over nearly four centuries of a growing prosperous community, with at least one commemoration of the Sesquicentennial (1863-2013) of the Civil War's Battle of Gettysburg and other battles of war in which Hampton sons fought; the commission shall consist of seven residents; two appointed by the Board of Selectmen; two appointed by the Hampton school Board; two appointed by the Hampton Heritage Commission, and one appointed by the Town Moderator, such appointee to call an organizational meeting on/about July 1, 2011, which agenda shall include, at a minimum, the choosing of officers, and discussion of a meeting schedule, subcommittee/event task forces, outside assistance policy, as well as funding needs, sponsorships and other underwriting sources; the commission shall wrap up its business by recognizing the spring 1639 incorporation as the self-governing Town

of Winnacunnet and the fall 1639 change to the Town of Hampton, and issue a final report upon disbanding by December 31, 2014? (Majority vote required)

Moved by Arthur Moody, Seconded by Mike Pierce to open Article 25 for discussion.

Arthur Moody spoke in favor of Article 25.

Ben Moore, Locke Road, made comments in response to Arthur Moody's comments. Moved by Ben Moore Seconded by Mike Pierce to amend Article 25 to insert after the last sentence: "such commission to replace the committee of similar function appointed by the Board of Selectmen in 2010."

Rick Griffin gave an explanation as to how the original committee came to be.

Arthur Moody offered information regarding the 325th Anniversary, stating it was an old home day that the town voted for.

Moore amendment passed. No further discussion. The Article will be on the ballot as amended.

Moved by Dick Nichols, Seconded by William Lally to reconsider Article 24. Motion passed.

Yes – 1943 *

No - 1019

ARTICLE 26

Shall the Town of Hampton vote to raise and appropriate the sum of \$45,780 to fund the operations of the Police Department Mounted Patrol Unit? Such costs to include (but not be limited to) the care and maintenance of the horses, the training, wages, benefits and outfitting of the riders, the cost of transporting horses and riders, and other such costs necessary or desirable to the operation of the Mounted Patrol Unit? (Majority vote required)

Recommended by the Board of Selectmen

Recommended by the Municipal Budget Committee

Moved by Rick Griffin, Seconded by Mary-Louise Woolsey to open Article 26 for discussion.

Rick Griffin spoke in favor of Article 26.

Mary-Louise Woolsey asked if Gerald Znoj knows how much it costs for the mounted patrol on an annual basis? Gerald Znoj advised Article 26 represents the two horses. Mary-Louise Woolsey advised she would like to know annually what it costs to run the mounted patrol program.

Mary-Louise Woolsey advised she wants to see the Board of Selectmen be the policy makers. Let the Board of Selectmen say they have a commitment to the Hampton Police department's mounted patrol unit.

Police Chief James Sullivan advised this Article is targeted to deal with one year's cost and all of the training, equipment and items necessary to run the mounted patrol for this year. He advised the intent is to continue the program with two horses as it is run at this time.

Rick Griffin advised the Board of Selectmen is looking forward to having it on the ballot as a warrant article.

Gerald Znoj spoke in opposition of Article 26. He advise the mounted patrol is not a “must have” it’s a “would be nice to have.”

Brian Warburton spoke in favor of Article 26 and asked if there is a plan to put the funds back into the operating budget if the article fails? He advised he thinks it is time that we let our department heads run their budgets. He asked the Board of Selectmen if this Article passes by the voters, will you then put this back into the police department budget as it has been in the past?

William Lally advised it has always been his intention to have the mounted patrol in the budget. He advised the mounted patrol has been on the warrant two or three times in the past that he knows of. Mr. Lally advised it is almost impossible to come up with a standard number of what it costs for the mounted patrol.

Brian Warburton advised he supports the mounted patrol.

Mike Pierce, 16 Hedman Ave, spoke in opposition of Article 26, but advised that the voters should be deciding this issue.

Art Gopalan, 20 Windmill Lane, advised there are two issues associated, one is the total cost, previous years the horses were found in sad shape. He advised municipalities are moving away from mounted patrol. Art Gopalan spoke in favor of the mounted patrol appearing as a warrant article, and not in the budget.

Police Chief James Sullivan advised that he is accountable for what happens to the horses. He advised the question here is do we or do we not want a mounted patrol and advised that he would not come before the voters with something that was not useful to his department. He advised he would like us to stay focused on the question at hand. He asked for the voters’ support of the mounted patrol.

Dick Nichols spoke in favor of giving the voters the opportunity to vote on the mounted patrol and stated that zeroing out the warrant article is misguided and asked Mark Gearreald to speak to the possibility of zeroing out the amount.

Mark Gearreald advised that if the warrant article is zeroed out, the law may be that it could not be spent at all, even if that amount is added to the police department budget.

Fred Rice, 15 Heather Lane, spoke in favor of Article 26, but advised it should be in the budget, and also stated it should not be zeroed out of this Article; that would be shooting from the hip. This article, if voted in the positive, would assure that the mounted patrol will continue. Zeroing it out may result in the police department not being allowed to continue the program.

Robert Preston spoke in favor of Article 26.

The Moderator took a consensus of whether or not the body wished to continue.

No further discussion. The Article will be on the ballot as written.

Moved by Rusty Bridle, Seconded by Mark McFarlin to restrict reconsideration of Article 26.
Motion passed.

Yes – 1740 *

No - 1410

ARTICLE 27

By Petition of Brian F. Slez and more than 25 other legal voters of the Town...

Shall the residents of Hampton vote to restrict the sale of mixed martial arts weapons, including but not limited to blow guns, crossbows, swords, Freddy Kruger hands, knives, and machetes to an area at the back of the store enclosed by a wall creating a separation from the rest of the store and kept in locked cases not accessible to the general public. The stores selling such items will require photo identification from the purchaser and be required to keep a log book kept at the store with the buyers signature and full address? (Majority vote required)

Moved by Richard Bateman Seconded by William Lally to open Article 27 for discussion.

Moved by William Lally, Seconded by Richard Bateman to amend Article 27 to read:

At paragraph starting “Shall the residents of Hampton vote to” add “regulate the display and accessibility of martial arts weapons pursuant to NH RSA 31:39, 1 (p) as follows:

Take the remainder of the article and break it down as follows, adding and deleting language as indicated:

1. To restrict the sale of mixed martial arts weapons, including but not limited to throwing stars, throwing darts, nunchaku, blow guns, or any other objects designed for use in martial arts that are capable of being used as lethal or dangerous weapons, blow guns, crossbows, swords, Freddy Kruger hands, knives, and machetes to an area at the back of the store enclosed by a wall creating a separation from the rest of the store and kept in locked cases not accessible to the general public;
2. To require ~~The~~ stores selling such items to:
 - a. ~~will~~ require photo identification from the purchaser, and
 - b. ~~be required to~~ keep a log book ~~kept~~ at the store with the ~~buyers~~ purchaser's signature and full address;
3. To designate officers of the Hampton Police Department to enforce these requirements under RSA 31:39-d, in addition to any other enforcement procedure authorized by law, including but not limited to any administrative enforcement procedure adopted by the Town of Hampton pursuant to RSA 31:39-c; and
4. To enforce the observance of these bylaws by imposing a penalty of \$1,000 for each violation of these bylaws, of which each date of violation shall constitute a separate offense,

to enure to the general fund of the Town to offset enforcement costs entailed in enforcing these bylaws? (Majority vote required)

Mark Gearreald gave an overview of what the additional verbage legally means to the Article.

Richard Bateman pointed out that the sponsor of the Article has great ideas in putting forth the Article but we felt it needed to be made very clear how it was going to proceed and what the penalties are.

Richard Reniere asked if this applies to existing businesses or to any new businesses coming into town? William Lally advised we don't think that verbage is necessary.

John Gebhardt, 4 Bailey Ave, spoke as a victim and signer of this petition, and spoke in favor of the amendment.

Peter Traynor spoke in favor of the amendment. Advised there is nothing in the Article specifically regulating age requirements.

Mark Gearreald regarding martial arts weapons there is verbage in state law which speaks to that issue.

Peter Traynor asked if we could add an age limit to the purchase and/or possession.

Mark Gearreald advised that is not necessary, it is already state law.

The Lally amendment passed. No further discussion. The Article will be on the ballot as amended.

Moved by Arthur Moody Seconded by Mary-Louise Woolsey restrict reconsideration Article 24, 25, 27. Motion passed.

Yes - 2475 *

No - 610

ARTICLE 28

Shall the Town of Hampton vote to raise and appropriate the sum of \$40,000 to make repairs and upgrades to the Town storm water drainage system in the following areas of the Town of Hampton: Tuck Road, Cogger Street, Mill Road, Vanderpool Drive, Barbour Road, and Nilus Brook? (Majority vote required)

**Recommended by the Board of Selectmen
Recommended by the Municipal Budget Committee**

Moved by Richard Nichols, Seconded by Richard Bateman to open Article 28 for discussion.

Dick Nichols gave an overview of Article 28.

Nathan Page, 200 Drakeside Road, spoke in favor of Article 28.

No further discussion. The Article will be on the ballot as written.

Yes – 2616 *

No - 491

ARTICLE 29

By Petition of Matthew J. Henderson and at least 25 registered voters...

Shall the Town of Hampton raise and appropriate \$3,000 to pay to Experience Hampton Inc, the organizer of the 2010 Hampton Holiday Parade, to defray the expenses of the 2011 Holiday Parade and related expenses? (Majority vote required)

Recommended by the Board of Selectmen

Recommended by the Municipal Budget Committee

Moved by Richard Bateman, Seconded by Mike Pierce to open Article 29 for discussion.

Matt Henderson, 101 Little River Road, spoke in favor of Article 29 and gave an overview.

Moved by Richard Bateman, Seconded by Rusty Bridle to amend Article 29 by inserting “vote to” after “Shall the Town of Hampton”.

Rusty Bridle spoke in favor of Article 29.

Bateman amendment passed.

Moved by William Lally, Seconded by Brian Warburton to amend to remove the word Holiday and replace with Christmas.

William Lally spoke in favor of the amendment.

Rick Griffin advised that there are many people out there who view the parade that do not celebrate Christmas.

Lally amendment passed.

No further discussion. The Article will be on the ballot as amended.

Nathan Page asked that we put Santa on a Hampton vehicle, not another town.

Moved by Nathan Page, Seconded by Mary-Louise Woolsey to restrict reconsideration of Articles 28 & 29. Motion passed.

Yes – 2416 *

No - 690

ARTICLE 30

Shall the Town of Hampton vote to authorize the submission to the State Legislature of the following Act so that the Town can transition from a calendar fiscal year to a fiscal year beginning July 1 and ending the following June 30, entailing an 18-month transitional budget and tax payment schedule as outlined in said Act, which will involve no change in the schedule of periodic tax payments? (Majority vote required)

AN ACT AUTHORIZING THE TOWN OF HAMPTON TO COLLECT TAXES FOR ONE 18-MONTH ACCOUNTING PERIOD

Be it Enacted by the Senate and House of Representatives in General Court convened:

Section 1. Notwithstanding any general provisions of law to the contrary, the collection of taxes in the Town of Hampton shall be governed by the following provisions:

Taxes assessed as of April 1, 2012, shall be assessed for a single 18-month accounting period running from January 1, 2012 to June 30, 2013. The town shall budget receipts and expenditures, and raise and appropriate revenues, on the basis of a single 18-month period. Taxes for the 18-month period shall be paid as follows: On July 1, 2012, a payment on the taxes for said period shall be due and payable, which will equal $\frac{1}{2}$ the amount of taxes paid on the 2011 assessment. A second payment shall be due and payable on or before December 1, 2012, which shall be equal to $\frac{2}{3}$ of the 18-month assessment made on April 1, 2012, less the amount of the payment due July 1, 2012. The balance of the taxes due on the then current 18-month assessment shall be due and payable on or before July 1, 2013. Taxes assessed as of April 1, 2013 and in all subsequent years shall be due and payable as follows: $\frac{1}{2}$ on or before December 1st of each year thereafter, and $\frac{1}{2}$ on or before July 1st of each year thereafter and the fiscal year of the Town shall thereafter be July 1st to the following June 30th.

Interest on taxes assessed in the Town of Hampton as provided in paragraph I shall be charged upon all taxes not paid on or before the due date as set forth in RSA 80, which shall be collected from that date with the taxes as incident thereto.

Section 2. This act shall take effect upon its passage.

Moved by Richard Nichols, Seconded by William Lally to open Article 30 for discussion.

Dick Nichols gave an overview of Article 30.

Mary-Louise Woolsey inquired about HB 77 and if it applies to Selectmen articles as well as petitioned articles. The Moderator advised it applies to all articles. Mary-Louise Woolsey spoke in opposition of Article 30.

William Lally advised we lost out on some grant funds because of our fiscal year. Fred Welch advised we were off the fiscal cycle. Hampton could not apply because of our fiscal cycle. This article puts us in line with the rest of the state.

Ann Kaiser, 7 Palmer St, advised she was working in the tax office when North Hampton went through this same process. She advised it was a bit confusing at first, but once they got through

the first bump when it was first implemented, they are very happy with the new cycle. She advised she hasn't heard of any towns that have voted to go back to calendar year for fiscal year.

Arthur Moody advised North Hampton had to go to the Legislature to get bailed out. Arthur Moody spoke in opposition to Article 30.

Art Gopalan, 20 Windmill Lane asked for clarification as to what the taxpayers are facing....one 18 month assessment, first tax bill will be ½ of the amount? As a tax payer, how much money do I have to have in order to pay my tax bill?

Mike Schwotzer explained the 18 month transition period.

Dick Nichols asked Mr. Schwotzer to advise that this will also be a savings to the cost of the audit.

Fred Rice, 15 Heather Lane, spoke in favor of Article 30.

Mary-Louise Woolsey spoke regarding undesignated fund balance. The Moderator advised that has nothing to do with the article at hand.

Mrs. Woolsey asked why we have the undesignated fund balance if we have to borrow? Dick Nichols asked that Mr. Schwotzer respond to the question.

Mr. Schwotzer advised it will not change the need to borrow. The unfunded balance is not necessarily cash in the bank.

No further discussion. The Article will be on the ballot as written.

Yes – 2136 *

No - 783

ARTICLE 31

Shall the Town of Hampton vote with regard to New Hampshire Revised Statutes Annotated, Chapter 79-E:

to adopt the provisions of New Hampshire Revised Statutes Annotated, Chapter 79-E to permit the Board of Selectmen as the local governing body to accept for consideration requests for community revitalization tax relief incentives that are

filed in accordance with the provisions of RSA 79-E; and

for commercial structures and new residential structures, especially affordable housing, located along Lafayette Road; the High Street Business Zone; the Professional Office Zone; Ocean Boulevard; Ashworth Avenue; the Business Seasonal Zone; and the Industrial Zone that represent compact development areas; and

for the replacement or substantial rehabilitation of qualifying structures to include replacement of qualifying structures that have been destroyed by fire or acts of nature and whose rebuilding has

not been started before January 1, 2010 or completed by January 1, 2011 regardless of how long the destruction occurred before the Town has voted to adopt RSA 79-E; and

to modify the provisions of RSA Chapter 79-E so that for structures that have been so destroyed, their value for taxation purposes during the tax relief periods afforded by RSA 79-E:5 shall reflect the pre-destruction assessed value as updated to the value that would have been in place for the building(s) had they not been so destroyed? (Majority vote required)

Acceptance of the law allows the Selectmen to grant up to 5 years of tax relief on new or rehabilitated structures, from taxes on the values added that are in excess of the original taxable values

Moved by Gerald Znoj, Seconded by Rick Griffin to open Article 31 for discussion.

Gerald Znoj gave an overview of Article 31.

Mark Gearreald gave a legal explanation of the Article.

Nancy Stiles, State Senator, 1 Hayden Circle, spoke in favor of Article 31.

John Nyhan, 4 Penniman Lane, spoke in favor of Article 31.

Robert Preston, 35 Campton Street, spoke in favor of Article 31 and advised that the entire Hampton Beach Commission supports this Article.

Arthur Moody spoke in opposition of Article 31.

No further discussion. The Article will be on the ballot as written.

Yes – 2080 *

No - 786

ARTICLE 32

By Petition of Sandra M. Lally and more than 25 other legal voters of the Town...

To remove deed restriction number 4 at the premises located on Hampton tax map, lot 223, map 101, in order to allow replacement of a separate cottage that use to exist behind the main home, and to allow subdivision of the lot as others have done. Deed restriction #4 reads as follows; “The grantee shall not erect any buildings upon the premises within seven feet of any boundary line, nor shall the premises be subdivided. All outbuildings and sheds, other than stables and garages, shall be connected to the dwelling house.” Further, to authorize and direct the Board of Selectmen to execute, deliver and record notice of this vote at the Rockingham County Registry of Deeds, at no cost to the Town? (Majority vote required)

Moved by Dick Nichols, Seconded by Richard Bateman to open Article 32 for discussion.

William Lally spoke in favor of Article 32 and made a motion, Seconded by Brian Warburton, to amend Article 32 as follows:

By Petition of Sandra M. Lally and more than 25 other legal voters of the Town...

To release and remove deed restriction number 4 ~~at~~ as to the premises located at 725 Ocean Boulevard (Tax Map 223, Lot 101) owned by William and Sandra Lally, in order to allow replacement of a separate cottage that used to exist behind the main home, and to allow subdivision of the lot as others have done. Deed restriction #4 reads as follows: "The grantee shall not erect any buildings upon the premises within seven feet of any boundary line, nor shall the premises be subdivided. All outbuildings and sheds, other than stables and garages, shall be connected to the dwelling house, stable or garage on the lot."; and and ~~Further~~, to authorize and direct the Town Clerk ~~Board of Selectmen~~ to execute and, deliver to the lot owners for recording a ~~and record~~ notice of this vote at the Rockingham County Registry of Deeds, at no cost to the Town? (Majority vote required)

Mark McFarlin asked how his yes vote affects the Article. Mark Gearreald stated the owner would have to go through standard procedures just like anyone else.

Arthur Moody asked if the building is not currently there? The Moderator advised he is seeking relief of the deed restrictions, as to this particular parcel.

Lally motion passed.

No further discussion. The Article will be on the ballot as amended.

Moved by Dick Nichols, Seconded by Gerald Znoj to restrict reconsideration of Articles 30-32. Motion passed.

Yes – 1594 *

No - 1270

ARTICLE 33

By Petition of John Graves and more than 25 other legal voters of the Town...

We, the undersigned residents of Hampton, petition the Town of Hampton to place on the warrant the request to lower the rental percentage rate on the leased land properties from 2% to 1% annually, since the lessees are also required to pay real estate taxes on the said land, as well as a lease. A "yes" vote brings the rental rate to 1%? (Majority vote required)

Moved by Mike Pierce, Seconded by John Gebhardt to open Article 33 for discussion.

Arthur Moody made a motion, Seconded by Mike Pierce to amend by removing "?" in the end, add a "." And add "Only 2% of the previous year's valuation is the annual rent the Town gets for the beach land's privately used town asset (Article 37, March 1996 Town Meeting). The lessees can purchase their lots at any time and the land rent is eliminated. Property taxes on public property used for private purposes is a mandate of State Law?"

Mike Pierce spoke in favor of the Moody amendment.

Vote taken on amendment, hand count, 25-25, amendment fails.

Moved by Dick Nichols, Seconded by Richard Bateman to amend as follows:

By Petition of John Graves and more than 25 other legal voters of the Town...

We, the undersigned residents of Hampton, petition the Town of Hampton to ~~place on the warrant the request to~~ lower the rental percentage rate on the annual land rent for leased lands at Hampton Beach leased by the Town under new and renewal leases entered into after the passage of Article 37 at the 1996 Annual Town Meeting ~~properties~~ from 2% to 1% annually, since the lessees are also required to pay real estate taxes on the said land, ~~as well as a lease~~. A "yes" vote ~~would reduce brings~~ the aforesaid rental rate for those leases to 1% of the previous year's assessed value of the land, which will cost the Town approximately \$85,055.00 in lost revenues in 2011? (Majority vote required)

Dick Nichols gave an overview of the amendment.

Mary-Louise Woolsey inquired if this indicates a loss of annual revenue of \$85,055.00? Dick Nichols advised the answer to that question is yes.

Arthur Moody spoke in favor of the Nichols amendment and asked how Mr. Schwotzer came to that figure.

Mr. Schwotzer advised he took the annual land rent from last year and divided by two.

Arthur Moody spoke about two other lots that this article effects.

Nichols amendment passed.

Yes - 501

No - 2398 *

ARTICLE 34

Shall the Town of Hampton vote to permit the Board of Selectmen to demolish the Old Town Office Building at 136 Winnacunnet Road and to provide for reclamation of the site? (Majority vote required)

Moved by Rick Griffin, Seconded by William Lally to open Article 34 for discussion.

Rick Griffin gave an overview of Article 34.

Mary-Louise Woolsey asked what would be the cost? Fred Welch advised the town has received an offer to take it down for free. There is no appropriation requested. Mary-Louise Woolsey asked if that included site reclamation? Fred Welch advised that would be taken from the town.

Fred Rice advised it was always intended to be demolished after the offices moved out. He spoke in favor of Article 34.

Arthur Moody advised that there is an old vault there, so he was curious to know what would happen to that.

No further discussion. The Article will be on the ballot as written.

Yes – 2526 *

No - 453

ARTICLE 35

Shall the Town of Hampton vote to authorize the Board of Selectmen to establish sewer billing rates for the connection of State property to the Town of Hampton Municipal Sewer System so that the Town may recover its costs and expenses for receiving and treating sanitary sewer wastes discharged from State owned facilities? (Majority vote required)

Moved by Richard Nichols, Seconded by Richard Bateman to open Article 35 for discussion.

Dick Nichols gave an overview of Article 35.

Arthur Moody asked what we are now receiving? William Lally advised it is not metered. Fred Welch advised we are not legally able to bill them now until town meeting approves it.

Robert Preston, 35 Campton St, spoke in opposition of Article 35.

Arthur Moody presumed we would be billing for sewage use from state facilities in just the Town of Hampton? The Moderator advised he does not believe it could be anything other. Fred Welch advised the authority to charge anything to the state must be within the town in which they are located.

Fred Welch advised he spoke with the commissioner of DRED, and advised the Town is no longer exempt from fees from the use of any state properties. He advised that the Recreation Department will have to pay for user fees and prove insurance when holding the annual Easter Egg Dig.

No further discussion. The Article will be on the ballot as written.

Yes – 2632 *

No - 326

ARTICLE 36

Shall the Town of Hampton vote to amend its Solid Waste Ordinance adopted under Article 33 of the 2009 Annual Town Meeting by rewriting Section 4 A, 4 so that it reads:

State of New Hampshire. The State of New Hampshire, operating State owned equipment and contractors engaged in work for the State at the Hampton Beach State Park and State owned Hampton Beaches may deposit refuse collected at the State Park and Beaches and from refuse collection receptacles on Ocean Boulevard at the Facility at a cost to be established by the Board of Selectmen, under the same terms and conditions as all others except Town Departments under Section 4A, 3, under this Ordinance. Excluded from this provision are materials removed by the raking of the sand on State Beaches, such materials will be accepted and be deposited at a special location and charged for at the Town's cost of disposal? (Majority vote required)

Moved by Gerald Znoj, Seconded by Richard Bateman to open Article 36 for discussion.

Gerald Znoj gave an overview of Article 36.

John Nyhan, 4 Penniman Lane made a motion, Seconded by Brian Warburton to amend Article 36. On line 6 after the word "cost" add: "or a services exchange agreement worked out between the Town of Hampton and the State of NH." Then delete "to be established by the Board of Selectmen, under the same terms and conditions as all other except Town Departments under Section 4A, 3, under this ordinance."

John Nyhan gave an overview of the amendment.

Brian Warburton spoke in support of the Nyhan amendment.

Fred Rice spoke in favor of the Nyhan amendment.

Dick Nichols spoke in favor of the Nyhan amendment.

Nyhan amendment passed.

Nancy Stiles asked if we are looking to charge, we pay a tipping fee? Dick Nichols advised we pay a tipping fee and transportation fees on recycling. Advised we will be negotiating.

Robert Preston spoke in opposition of Article 36.

Arthur Moody spoke in opposition of Article 36.

The Moderator took a vote from the body to discontinue discussion.

No further discussion. The Article will be on the ballot as amended.

Moved by William Lally, Seconded by Gerald Znoj, to restrict reconsideration of Articles 33-36.

Yes – 2562 *

No – 342

ARTICLE 37

Shall the Town of Hampton vote to authorize the Board of Selectmen to establish septage tipping fees at the Town's Wastewater Treatment Plant on an annual basis following a public hearing so that such fees recover the Town's actual cost of tipping and processing of septage and so that such receipt and processing does not impact the tax rate or impose costs upon the taxpayers of the Town of Hampton? (Majority vote required)

Moved by Gerald Znoj, Seconded by Rick Griffin to open Article 37 for discussion.

Gerald Znoj gave an overview of Article 37.

Arthur Moody asked about the statutory authority.

Mark Gearreald advised he does not believe it is an issue.

Dick Nichols advised the fees have not been updated in 10 years.

No further discussion. The Article will be on the ballot as written.

Yes – 2557 *

No - 364

ARTICLE 38

By Petition of Jason Plouffe and more than 25 other legal voters of the Town...

Are you in favor of increasing the septage disposal fees by twenty (20) percent for the first set of rates in Sewage Use Ordinance Section 2:604(g)(7), which were last raised twenty years ago (for example, for up to 1,000 gallons the non-resident fee would increase from \$55 to \$66 and the resident fee from \$35 to \$42, with residents still being eligible for a sewer non-availability property tax rebate each year), and add "gray water from vehicles washing systems, etc." to the second set of rates for under 150 gallons from campers, RVs and carpet cleaning services, which fees would increase by fifty (50) percent (\$4.50 to \$6.75 and \$3 to \$4.50, respectively, for non-resident and resident)? (Majority vote required)

Moved by William Lally, Seconded by Rick Griffin, to open Article 38 for discussion.

Moved by William Lally, Seconded by Richard Bateman, to amend Article 38 by adding after "and Construction" after "Sewage Use". And after "property tax" in line 5 add "abatement" and remove the word "rebate". And add at the end "so that said Section 2:604 would read as follows:

7: The fees for disposal of septic tank sludge and/or waste water are as follows:

No. of Gallons	Resident	Non-Resident
0-1,00	delete \$35.00	Delete \$55
	Add \$42.00	Add \$66.00

Disposal of sludge from campers, recreational vehicles, carpet cleaning services, and gray water from vehicle washing systems, each with a maximum capacity of less than 150 gallons:

Remove \$3.00 and add \$4.50 Remove \$4.50 and add \$6.75

Arthur Moody spoke to the amendment.

Art Gopalan asked which article takes precedence, Article 37 or 38? William Lally advised this is why it is a conundrum when we have petitioned warrant articles when they compete with another.

Dick Nichols advised he agrees that there is certain confusion. The former Article will delegate the authority to the selectmen. Article 38 is a one-time change. Should both be approved, Article 38 would make a one-time change, but Article 37 allows the Selectmen to set the rates.

Arthur Moody spoke to Article 38.

Lally amendment passed.

No further discussion. The Article will be on the ballot as amended.

Yes – 1376

No – 1582 *

ARTICLE 39

Shall the Town of Hampton vote to confirm the acceptance of the following streets without any payment of damages by the Town? (Majority vote required)

Nudd Avenue accepted by the Board of Selectmen on October 27, 1967, as 40 feet wide by 1400 feet long but by administrative oversight was not brought to Town Meeting for a vote. The Town has maintained the roadway since the Selectmen's acceptance.

Bride Hill Road accepted by the Board of Selectmen on October 3, 1969 in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a vote of the Town to accept. The Town has maintained the roadway since the Selectmen's acceptance.

John Stark Lane accepted by the Board of Selectmen on October 3, 1969 in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a vote of the Town to accept. The Town has maintained the roadway since the Selectmen's acceptance.

Morrill Street accepted by the Board of Selectmen on October 3, 1969 in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a vote of the Town to accept. The Town has maintained the roadway since the Selectmen's acceptance.

Ashbrook Drive accepted by the Board of Selectmen on April 5, 1971 in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a vote of the Town to accept. The Town has maintained the roadway since the Selectmen's acceptance.

Battcock Avenue accepted by the Board of Selectmen on April 30, 1971 in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a Town vote to accept. The Town has maintained the roadway since the Selectmen's acceptance.

Johnson Avenue accepted by the Board of Selectmen on August 13, 1971 in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a Town vote to accept. The Town has maintained the roadway since the Selectmen's acceptance.

St Cyr Drive accepted by the Board of Selectmen on February 10, 1992 in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a vote of the Town to accept. The Town has maintained the roadway since the Selectmen's acceptance.

Moved by Brian Warburton, Seconded by William Lally, to waive the reading of Article 39.

Moved by William Lally, Seconded by Rick Griffin, to open Article 39 for discussion.

William Lally gave an overview of Article 39.

No further discussion. The Article will be on the ballot as written.

Yes – 2446 *

No - 544

ARTICLE 40

Shall the Town of Hampton vote with regard to New Hampshire Revised Statutes Annotated Chapter 231:43:

to discontinue part of the land area that has been laid out as highway land including railroad purposes on the southerly side of Winnacunnet Road, but which is not being used for governmental purposes, totaling approximately 2,189 square feet, and depicted as Parcel A on the Land Transfer Plan by Millennium Engineering, Inc, dated December 23, 2010, with said discontinuance to be in accordance with the provisions of RSA 231:43 and with any and all public utilities including drainage preserved in their current locations in accordance with RSA 231:46; and

to quitclaim to the abutting property owner (47 Winnacunnet Road Realty Trust) of Tax Map 176, Lot 16 (the Holmes & Ells Law Office property) any interest that the Town may have in said Parcel A area, in return for the sum of \$9,368.92 and with no damages to be paid by the Town, said sum being determined by use of the same price per square foot as was paid for the transfers pursuant to 2010 Warrant Article 27 by The Galley Hatch Restaurant and the Citizens Bank properties, and with a quitclaim deed of said area to be executed by the Board of Selectmen to the owner of Tax Map 176, Lot 16 at no expense to the Town? (Majority vote required)

Moved by Richard Bateman, Seconded by William Lally, to open Article 40 for discussion.

Richard Bateman gave an overview of Article 40.

Steve Ells, 13 Homestead Circle, and owner of 47 Winnacunnet Road, spoke in favor of Article 40.

Mary-Louise Woolsey spoke in opposition of Article 40. Mary-Louise Woolsey asked if there was any statutory requirement to notify abutters. Mark Gearreald advised that town highway land cannot be leased for private use. Yes, there was a license agreement. Unfortunately, there is questionable legality to that. This is meant to resolve a legal problem.

Mary-Louise Woolsey asked if this is the end of the problem of the westerly end of Winnacunnet Road? The Moderator advised the next parcel is the school property.

Arthur Moody spoke in opposition of Article 40 and asked who paid for the survey? Mark Gearreald advised that the property owner paid for the survey.

Arthur Moody asked will the funds go into the real estate trust fund? Mark Gearreald advised that it will.

Fred Rice spoke in favor of Article 40.

Steve Ells advised Holmes & Ells never let their insurance lapse regardless of Mr. Moody's accusation.

No further discussion. The Article will be on the ballot as written.

Moved by Dick Nichols, Seconded by Brian Warburton, to restrict reconsideration of Articles 37-40. Motion passed.

Yes - 2020 *
No - 790

ARTICLE 41

By Petition of Gary J. Pole and more than 25 other legal voters of the Town...

We the following, petition the Town of Hampton to accept Lyons Street, Frances Streets and Williams Street as public roads and such roads to be accepted "as is" and without payment of any damages by the town.

These paved streets have sewer, water and have always been maintained by the town.

By accepting these streets, it will not affect the tax rate as these streets have always been maintained by the Town? (Majority vote required)

Moved by Rick Griffin, Seconded by Richard Bateman, to open Article 41 for discussion.

Mike Pierce asked if they were on the ballot last year. The Moderator advised they were on the ballot but not approved.

Moved by Richard Bateman Seconded by Arthur Moody to amend Article 41 to read as follows:

By Petition of Gary J. Pole and more than 25 other legal voters of the Town...

We the following, petition the Town of Hampton to accept Lyons Street, Frances Streets and Williams Street as public roads ~~and~~ with such roads to be accepted "as is" and without payment of any damages by the ~~€~~Town;

~~These are narrow, paved streets that have been declared as "emergency lanes" under RSA 231:59-a by the Board of Selectmen so as to enable the Town to continue to plow snow from them in the winter; it is estimated that the cost to bring these streets up to Town standards would be \$174,854.~~

not including any land acquisition cost or any costs to clear the title for the roadway deeds? have sewer, water and have always been maintained by the town.

~~By accepting these streets, it will not affect the tax rate as these streets have always been maintained by the Town? (Majority vote required)~~

Bateman amendment passed.

No further discussion. The Article will be on the ballot as amended.

Yes - 928

No - 1940 *

ARTICLE 42

By Petition of Thomas McGuirk and more than 25 other legal voters of the Town...

Shall the town of Hampton vote to discontinue parts of land area that have been laid out as highway totaling 152 square feet and to quit claim any interest that the town may have to the owner of the abutting property Tax map 104, Lot 256 in return for a sum of money as determined by the tax assessor to be the value of the land. Said discontinuance to be in accordance with provisions of RSA 231:43 and with any and all public utilities including drainage preserved in their current locations in accordance with RSA 231:46 and with quitclaim deed the 152 square feet to be executed by the Board of Selectmen to the owner of the abutting property tax map 104 lot 256 at no expense to the town? (Majority vote required)

There will remain enough town property if desired for the town to put a sidewalk in if they wish to in the future.

Moved by Mike Pierce, Seconded by Art Gopalan, to open Article 42 for discussion.

Moved by Gerald Znoj, Seconded by Richard Bateman, to amend Article 42 to read as follows:

By Petition of Thomas McGuirk and more than 25 other legal voters of the Town...

Shall the Town of Hampton vote to discontinue parts of land area that have been laid out as highway on the southerly side of Boston Avenue totaling ~~152~~ 145 square feet as shown on a Plan dated October 7, 2010 by Millenium Engineering, Inc. and to quit-claim any interest that the ~~€Town~~ may have to the owner (June White) of the abutting property Tax Map 296, Lot 70 (8 River Avenue) ~~map 104, Lot 256~~ in return for a sum of money as determined by the tax assessor to be the fair market value of the land; - ~~S~~said discontinuance to be in accordance with provisions of RSA 231:43 and with any and all public utilities including drainage preserved in their current locations in accordance with RSA 231:46 and with a quitclaim deed the ~~152~~ 145 square feet to be executed by the Board of Selectmen to the aforesaid owner of the abutting property Tax Map 296, Lot 70 ~~tax map 104 lot 256~~ at no expense to the ~~€Town~~? (Majority vote required)

~~There will remain enough town property if desired for the town to put a sidewalk in if they wish to in the future.~~

Fred Rice spoke in opposition of the Gerald Znoj amendment.

Andrew Guthrie, 30 River Ave, spoke in favor of the amendment with the exception of the owner's name.

Znoj amendment 17-12 passed.

No further discussion. The Article will be on the ballot as amended.

Yes – 1638 *

No - 1094

ARTICLE 43

Shall the Town of Hampton enact the following Administrative Enforcement Ordinance?
(Majority vote required)

ADMINISTRATIVE ENFORCEMENT ORDINANCE FOR VIOLATIONS OF TOWN ORDINANCES, BY LAWS OR REGULATIONS

Authority

This Administrative Enforcement Ordinance is adopted by the Town of Hampton in accordance with the provisions of New Hampshire Revised Statutes Annotated Chapter 31, Section 39-c, authorizing the Town of Hampton to establish, a system for the administrative enforcement of violations of any municipal code, ordinance, by law, or regulations and for the collection of penalties. Such Administrative Enforcement Procedure if unsuccessful may result in the issuance and service of a formal summons and complaint under RSA 31:39-d or initiation of other court proceedings under RSA 676:1, or any other remedy allowed by law. Such Administrative Enforcement Procedure shall include opportunities for persons who do not wish to contest violations to pay such penalties by mail.

Purpose

It is the declared purpose of the Town of Hampton, through the adoption of this Ordinance, to establish an administrative enforcement system, as authorized by RSA 31:39-c, to enable simplified, less expensive and expeditious enforcement of violations of the Town's codes, ordinances, by laws or regulations for the direct benefit of its residents, citizens and visitors. This system shall be in addition to, and not in replacement of, any other remedies for enforcement available by law.

Section 1. Notice of Violation

Violations of Town of Hampton municipal codes, ordinances, by laws or regulations may be enforced via the issuance of notices of violations containing a description of the offense and any applicable penalties, either delivered in person or by first class mail to the last known address of the offender.

Section 2. Administration

The system may be administered by the Hampton Police Department or by such other Hampton municipal agency or official as is designated in either the municipal code, ordinance, by-law or regulation that has been violated or by the Hampton Board of Selectmen.

Section 3. Separate Event

Each instance of offense shall constitute a separate event for purpose of assessment of a penalty and in the case of a continuing violation, each day said violation occurs shall constitute a separate violation for penalty purposes.

Section 4. Amount of Penalty

The penalty amount shall be the amount set forth in the particular code, ordinance, by law or regulation for whose violation a notice is issued.

Section 5. Payment of Violations

Penalties imposed under this Ordinance may be paid by mail to the issuing department to the address for payment specified the notice of violation.

Section 6. Appeals

Appeals for the issuance of a notice of violation may be heard by an individual selected by the Board of Selectmen as judge utilizing the informal procedure of the small claims court justice, which said appeal shall not be governed by the rules of evidence, provided that such appeal is requested by letter from the alleged violator to the Town within 15 calendar days from the issuance of the notice of violation. An appeal to the Board of Selectmen may be taken from designated individual's decision, and the decision of the Board of Selectmen on any such appeal shall be final.

Section 7. Other Remedies

If the administrative enforcement system established by this Ordinance is unsuccessful at resolving an alleged violation, a summons may be issued as otherwise provided by law, including use of the procedure for plea by mail set forth in RSA 31:39-d, and any other remedies available by law may also be utilized.

Section 8. Effective Date

This Ordinance shall take effect when approved by vote of the Town of Hampton Town Meeting.

Moved by Richard Bateman, Seconded by William Lally, to waive reading.

Moved by Richard Bateman, Seconded by William Lally, to open Article 43 for discussion.

Richard Bateman gave an overview of Article 43 and advised it is simply a housekeeping amendment.

Moved by Rick Griffin, Seconded by Dick Nichols, to amend to change "procedure" to "system" in two places in the authority section.

Griffin amendment passed.

Art Gopalan spoke in opposition of Article 43.

Arthur Moody spoke to clarify an earlier statement.

No further discussion. The Article will be on the ballot as amended.

Moved by Nathan Page, Seconded by Mary-Louise Woolsey, to restrict reconsideration of Articles 41-43. Motion passed.

Yes – 1820 *

No - 913

ARTICLE 44

Shall the Town of Hampton vote to amend Chapter 4 Licensing Article 12 Regulation of Taxi Businesses Section 13, subsections A & B by deleting the language identified by strike through and adding the underlined language? (Majority vote required)

Section 13. Insurance

No license shall be issued to any taxi business until the person shall have filed with the Board of Selectmen satisfactory proof of personal injury and property damage liability insurance coverage for each licensed taxi or taxicab for the full period of the permit.

The personal injury coverage shall not be less than ~~one million dollars (1,000,000)~~ one hundred thousand dollars (\$100,000) per person per accident with a total coverage of not less than ~~two million dollars (2,000,000)~~ three hundred thousand dollars (300,000) per accident. The property damage coverage shall be not less than ~~twenty-five thousand dollars (\$25,000)~~ thirty thousand dollars (\$30,000) per accident.

If required insurance terminates, expires or is suspended, the license shall immediately terminate and expire and must immediately be returned to the Board of Selectmen. All required insurance policies shall contain a provision, which will provide for the automatic notification by the insurer to the Town of the cancellation or expiration of the policy with a 30-day advanced notice. Said notice shall be mailed to the Board of Selectmen.

Moved by Richard Bateman , Seconded by William Lally, to open Article 44 for discussion.

Mary-Louise Woolsey spoke in opposition of Article 44.

No further discussion. The Article will be on the ballot as written.

Yes – 1196

No – 1720 *

ARTICLE 45

Shall the Town of Hampton enact the following Ordinance for the regulations of Pedicab Business? (Majority vote required)

ORDINANCE FOR THE REGULATION OF PEDICAB BUSINESSES

Amend Chapter 3 Highways and Traffic Article 8, by enacting the Ordinance as follows:

Authority

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 31, Section 39, I, (g) and (l) authorizing the Town of Hampton to enact bylaws, the following Ordinance for the Regulation of Pedicab Businesses is adopted by the Town of Hampton in Annual Town Meeting assembled.

Purpose

It is the declared purpose of the Town of Hampton, through the adoption of this Ordinance, to protect the public health, welfare and safety of its citizens through the proper licensing and inspection of Pedicabs used for the transportation of passengers, and to require the issuance of insurance or bonds for the protection of persons riding therein.

Section 1. Definitions

The following words shall have the meanings indicated within this ordinance:

Bicycle	shall mean every pedaled vehicle propelled solely by human power upon which any person may ride, except child's tricycles and similar devices.
Board	shall mean the Hampton Board of Selectmen.
Daytime	shall mean the period between sunrise and sunset.
For hire	shall mean to provide, or offer to provide, a service in exchange for any form of payment or gratuity.
Moped	shall mean a motor-driven cycle whose speed attainable in one mile is 30 miles per hour or less which is equipped with a motor that produces 2 brake horse power or less; if an internal combustion engine is used, the piston displacement shall not exceed 50 cubic centimeters and the power-drive system shall not require the operator to shift gears.
Nighttime	shall mean the period ½ hour before sunset and ½ hour before sunrise.
Operator	shall mean the person in physical control of a Pedicab.
Owner	shall mean a person who owns or holds an ownership interest in a Pedicab business.
Pedicab	shall mean a bicycle or moped, or a bicycle or moped that is attached to a trailer, sidecar or similar device, that is operated by an individual and is designed to be ridden by one (1) or more persons, and that transports, or is capable of transporting passengers on seats attached to the device, and that is used for transporting passengers for hire.
Town	shall mean the Town of Hampton.

Section 2. Licenses Required

Pedicab Business License

No person shall engage in the business of operating a Pedicab unless that person has first obtained a Pedicab business license from the Board and a license for each Pedicab to be operated.

Application for such license shall be made shall be made, in writing, to the Town on forms provided by the Town and submitted to, the Board.

A non-refundable fee for processing the application of one hundred (\$100) dollars shall be submitted with the application, along with a non-refundable fee of fifty (\$50) dollars for the first Pedicab and a fee of twenty-five (\$25) dollars for each additional Pedicab to be operated under the auspices of the Pedicab Business involved.

Applicants for a Pedicab Business License shall submit to the Town a copy of their Criminal and Motor Vehicle record with their application.

In addition to such information as the application form may require, the applicant must also submit the following:

The applicant's full name and residence address;

The applicant's date of birth;

The applicant's driver's license number;

A certificate of insurance indicating compliance with Section 7 of this ordinance;

The route or routes on which the applicant proposes to operate Pedicabs; and

Other such information as the Board may require.

Pedicab Operator License

No person shall act as an operator of a Pedicab unless such person obtains a Pedicab operator's license from the Town through the Board.

Application for a license as a Pedicab operator shall be made, in writing, to the Town on forms provided by the Town.

A non-refundable application processing fee of fifty (50) dollars shall be submitted with the application.

Applicants for a Pedicab operator's license shall submit with their application a Criminal and Motor Vehicle record check.

In addition to such information as the form may require, the applicant must submit the following:

The applicant's full name and residence address; and

The applicant's date of birth.

Section 3. License Period

All licenses granted under this Ordinance shall continue and remain in full force and effect for a period from the date of Issuance of the License until midnight on the 31st day of March of the following year.

Section 4. Police Department Approval

The Chief of Police shall cause an investigation to be made of the fitness of the applicant to engage in said business or as a Pedicab operator. This investigation shall be completed within 60 days of receiving a full and complete application and required record checks. Upon conclusion of this investigation, the Chief of Police shall report his findings and forward a recommendation on the application to the Board.

A license shall not be issued to any person who is shown to have any of the following disqualifications:

The individual has three or more convictions for moving violations, in this or any other state, in the three full years prior to the date of application;

The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or in any other state, in the three full years prior to the date of the application, for any reason related to the operation of a motor vehicle;

The individual has been convicted of a felony, in this or any other state, in the seven full years prior to the date of the application;

The individual has been convicted of a Felony crime involving a controlled substance, or violence, in this or any other state, in the fifteen full years prior to the date of the application; or

The individual has been convicted of repeatedly violating the statutes of the State of New Hampshire or any other state or territory or has been determined by the Chief of Police to be unsuitable to obtain a license.

Section 5. Pedicab Routes and Hours of Operation

No person may operate a Pedicab in the Town unless the proposed route and times of operation have been approved in advance by the Police Department.

Pedicabs shall be operated only on routes approved by the Police Department, either as a Normal Route or as a Special Route; and only during time periods as approved by the Police Department.

Normal Routes. Normal routes for Pedicab operation are those routes approved by the Police Department upon the licensee's application for a license. The Police Department shall determine normal Pedicab routes upon consultation with applicants; determination of normal routes shall be based on the safety of all users of the transportation system and on maintaining efficient flow of traffic.

Special Routes. A Pedicab licensee may apply for a temporary permit from the Police Department to use other routes on a trip-by-trip basis to accommodate a special event. An application for such special permit setting forth the date, time and nature of the special event and the exact route requested must be filed with the Police Department, on a form provided by the Town of Hampton, at least twenty (20) business days prior to the date of the special event. The special permit will be issued only if the Police Department determines that the operation of a Pedicab on the requested route, on the date and at the time requested, will not cause undue interference with traffic. Every special permit shall set forth the date, time and nature of the special event, and shall be kept with the Pedicab and readily available for inspection at all times during the term of the special permit.

The Police Department may temporarily alter approved normal or special routes or approved hours of operation, as it deems necessary due to construction or other circumstances that may arise.

Section 6. Pedicab License Plate

The licensee shall, at their own cost, provide a license plate or other individually identifying marker approved by the Police Department. This marker shall prominently display the unique assigned license number issued by the Town for each Pedicab.

Such license plate must be placed on the center rear portion of the Pedicab, so as to be visible to the public from a distance of one hundred feet.

All Pedicabs shall be identified by the licensee's name (or company name) and license number issued by the Town.

Section 7. Insurance

No license shall be issued to any Pedicab business until the applicant shall have filed with the Board satisfactory proof of valid insurance coverages for the Pedicab Business for the full period of the license that includes the following:

General Liability Coverage

Licensee shall submit a valid policy of general liability coverage with a Pedicabs endorsement from a company licensed to issue such insurance in the State of New Hampshire in the following amounts which shall be maintained during the life of the license (excess or umbrella coverage may satisfy requirements).

The terms of the policy shall provide that the insurance company assumes financial responsibility in an amount not less than three hundred thousand dollars (\$300,000.00) per occurrence for bodily injuries and personal injuries, or property damage caused by the operation of the Pedicabs, including, but not limited to, Pedicabs operated by the officers, employees, agents, or lessees of the Pedicabs owner.

Workers' Compensation

Submit a current certification of Workers' Compensation Insurance in accordance with the provisions of New Hampshire Law from a company licensed to issue such insurance in the State of New Hampshire in the following amounts which shall be maintained during the life of the contract (excess or umbrella coverage may satisfy requirements).

Coverage A Statutory

Coverage B \$1,000,000.00

The policy shall name the Town of Hampton as an additional certificate holder and insured.

If required insurance terminates, expires or is suspended, the permit shall immediately terminate and expire and must immediately be returned to the Board. All required insurance policies shall contain a provision, which will provide for the automatic notification by the insurer to the Town of the cancellation or expiration of the policy. Said notice shall be mailed 30-days in advance to the Board.

The policy shall designate by manufacturer's serial or identification number all Pedicabs for which coverage is granted.

The policy shall insure a) the person named in the policy and b) any other person using or propelling the Pedicab with the express or implied permission of the named insured against any liability arising out of the ownership, maintenance or use of the Pedicab.

Section 8. Responsibility of Owner

It shall be unlawful for an Owner to permit a Pedicab to be operated or maintained while in violation of any section within this Ordinance.

Section 9. Operation of Pedicabs

Every Pedicab operator shall operate the Pedicab in conformance with all State and Town traffic laws, ordinances, and rules as if the Pedicab were a motor vehicle, except that:

Pedicabs shall be prohibited from operating where bicycles are prohibited; and

A Pedicab may pass on the right side of vehicles traveling in the same direction.

It shall be unlawful to operate a Pedicab without:

The name and phone number of the permitted business clearly and prominently displayed on the Pedicab;

A braking system on the bicycle or moped, capable of bringing the Pedicab to a safe stop under all conditions, and capable of being reached by the operator from his normal position of operation;

A mirror located to reflect to the operator a view of the road at least two hundred (200) feet to the rear;

Using a lamp on the front that illuminates a person or vehicle at least fifty (50) feet to the front during nighttime;

Using a lamp on the front that emits a white light visible from at least two hundred and fifty (250) feet to the front during nighttime;

Using a lamp on the rear that emits a red light visible from at least two hundred and fifty (250) feet to the rear during nighttime;

Using a Triangle reflective sign on the rear that is visible from at least two hundred and fifty (250) feet to the rear during nighttime;

Using side and rear reflector strips: reflective strips no smaller than one and one quarter (1 1/4) inches wide and Twenty Four Inches (24") long affixed horizontally to the side and rear of the Pedicab visible from at least two hundred and fifty (250) feet to the side and rear during nighttime. Rear turn signal lights; and

A sign conspicuously posted on the exterior of the Pedicab indicating the amount, if any, to be charged for the use of the Pedicab or the basis for calculating such amount.

Section 10. Pedicab size

It is unlawful to operate a Pedicab that is:

Wider than fifty-four (54) inches at its widest point; or

Longer than twelve (12) feet at its longest point.

Section 11. Pedicab condition

It is unlawful to operate a Pedicab that has:

Exposed rust;

Ripped upholstery or fabric;

Exposed wood that is not painted and in good condition;

Equipped with a siren or whistle;

Advertising icons;

Commercial advertising materials, other than the name and phone number of the permitted business with which the Pedicab is associated; or

Promotes patronage through garish display of colors, sounds, murals or other thematic devices located on the vehicle.

Section 12. Pedicab Operation

No person may place into service or operate any Pedicab or other like vehicle, three wheeled or otherwise, with a fixed bench or trailer, unless properly licensed under this section and inspected for condition and proven to be safe and roadworthy to the Police Department.

It is unlawful to operate a Pedicab or allow a Pedicab to be operated as part of a Pedicab Business:

In an unsafe condition or without the equipment required by this Section;

By riding other than on or astride, a permanent and regular seat attached to the Pedicab;

By carrying more passengers than the maximum number of seats available, except that persons under three (3) years of age are excluded from this limitation if each child is sitting in the lap of an adult;

Unless all passengers are seated while the Pedicab is in motion;

By collecting fares, making change, or taking on or discharging passengers while the Pedicab is in motion;

By allowing passengers to board or disembark while the Pedicab is moving;

By putting or continuing the Pedicab in motion while any passengers are standing or sitting anywhere other than in the passenger seats;

With more than one trailer, sidecar or similar device;

In a manner that results in damage to public property;

In a manner that results in colliding with a pedestrian;

In a manner that obstructs or impedes pedestrian or vehicular traffic;

By knowingly permitting another to attach their person, bicycle, coaster, sled, toy vehicle, roller skates, skateboard, scooter or other rolling device to the Pedicab;

With an operator's using any mobile telecommunication devices and any entertainment devices while in the operation of the Pedicab;

By carrying anything that prevents the operator from keeping at least one hand on the handlebars;

On a street or adjoining sidewalk that has been closed by the town to motor vehicles;

On a street without a designated bike lane, or adjoining sidewalk, when the street has a posted speed limit of thirty-five (35) miles per hour or greater, except for crossing that street;

By parking the Pedicab in a manner that disrupts the flow of automobile traffic on public streets, or so as to impede the flow of pedestrian traffic;

By obstructing pedestrian traffic on a sidewalk or crosswalk by remaining stopped on a sidewalk or crosswalk;

By parking of Pedicab's on sidewalks or crosswalks for the purpose of soliciting and the taking on of passengers; or

By storing parking or leaving any Pedicab overnight on any street or sidewalk.

Section 13. Complaints

Should the operation of the Pedicab Business give rise to complaints from motor vehicle operators, pedestrians, or from any of the following departments, the Health Department, the Building Department, the Police Department, or the Fire Department and/or their designees, that such Owner or his operators has impeded the flow of motor vehicle traffic or pedestrian traffic, or caused a nuisance, the Board may hold a hearing to determine whether or not it should make any orders limiting the business in time or place or otherwise restricting such business to accommodate the needs of public peace, order and safety.

Complaints shall be brought in written form only and shall contain:

the location of the entertainment or place involved in the complaint;

the complaint shall be in detail and contain the date of, time of and the type or cause of the complaint and or incident; and

the name(s), address (es) and phone number(s) of the person(s) filing said complaint.

As a condition of the license, and at any time during the period the license is in effect, the person may be subject to additional restrictions or conditions ordered by the Board upon the recommendation from following departments: the Health Department, the Building Department, the Police Department, or the Fire Department and/or their designees as may be warranted by any circumstances pertaining to the business and/or to prevent any nuisance related to or caused by the business. A nuisance, in addition to its common law meaning, is anything that endangers life, health or safety, gives offense to senses, violates common standards of decency or obstructs the reasonable use, enjoyment, or habitation of any property.

Section 14. Nuisance, Pertaining to Pedicab Businesses

It shall be the responsibility of the person to whom a license hereunder is issued to prevent any nuisance related to or caused by the Pedicab Business. Such nuisance does not necessarily have to emanate from the business as it includes any nuisance related to or caused by patrons as well as employees. The operation of any Pedicab Business utilizing a license hereunder shall at all times be compliant with any applicable laws and provisions of the State of New Hampshire.

Section 15. License Suspension or Revocation

The Chief of Police, or his designee, shall have the authority to immediately suspend the Pedicab license of any individual who performs any act or makes any statement, which creates an imminent threat or risk to the safety of any person. In the event of suspension for this reason, the person whose license has been suspended shall have a right of appeal to the Board.

The Board may, either independently or upon recommendation from the Chief of Police, suspend or revoke any license issued under this Ordinance for any violation or for reasons the Board deems to be in the best interest of the community, after a hearing. Offenses that may result in the suspension or revocation of said license include but are not limited to the following:

Violation of any provision of this Ordinance;

Violation of any statute of the State of New Hampshire or any other state or territory of the United States relating to the licensed business; or

Any violation of Federal or State law or for three convictions of violations of local or State traffic laws or ordinances by any operator of the Pedicab.

Time limits of the suspension or revocation shall be left to the discretion of the Board. Notice of the suspension or revocation will be made, in writing, to the owner(s) of the business.

Prior to the suspension or revocation of any license, the Board shall notify the affected licensee of the pending suspension or revocation and the reason therefor. The Board shall also provide the affected licensee with a reasonable opportunity to be heard by the Board prior to the suspension or revocation.

Section 16. Violations and penalties

Any person or persons violating the provisions of this Ordinance shall be guilty of a violation and subject to fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for the third and any subsequent offenses to be issued in the form of a summons and notice of fine as provided in RSA 502-A:19-b, or any other remedy allowed by law.

Such summons shall be issued by a Police Officer or any authorized law enforcement official. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder, and any fines collected hereunder shall inure to such uses as the Town may direct.

Section 17. Severability

If any provision, word, clause, section, paragraph, phrase or sentence of this Ordinance is found by a Court of competent jurisdiction to be unconstitutional, unlawful or unenforceable such unconstitutionality, unlawfulness or unenforceability shall not affect the other provisions of this Ordinance, provided that the purposes of this Ordinance can still be achieved in the absence of the invalid provisions.

Section 18. Effective

This Ordinance shall become effective when adopted by the Annual Town Meeting of the Town of Hampton and shall repeal all other Ordinances or portions of Ordinances relating to Pedicabs, except relevant Zoning Ordinance provisions.

Moved by Mary-Louise, Woolsey Seconded by Brian Warburton, to waive the reading of Article 45.

The Moderator advised this is Mr. Bateman's last Deliberative Session as Selectmen and thanked him for his service.

Moved by Richard Bateman, Seconded by William Lally to open Article 45 for discussion.

Richard Bateman gave an overview of Article 45.

Moved by Richard Bateman, Seconded by William Lally, to amend Article 45 to remove "shall be made" in second paragraph of "A. Pedicab Business License" Section. Also under "Definitions" Moped should read: "shall mean a motor-driven cycle as defined in RSA 259:57. (remove from whose speed through to shift gears.)

Bateman amendment passed.

Fred Rice spoke against Article 45.

No further discussion. The Article will be on the ballot as written.

Yes – 1931 *

No - 908

Moved by Arthur Moody, Seconded by Mike Pierce to adjourn.

Hampton Deliberative Session was adjourned at 6:18 pm.

Respectfully submitted this 14th day of March, 2011.

Jane M. Marzinzik
Hampton Town Clerk